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OLC 71-2043

30 November 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Colonel Cleo S. Freed's Call Regarding Questions  
Levied on Lt. General Donald V. Bennett by  
Senate Armed Services Committee

1. Today Colonel Freed called to say that James Kendall, Chief Counsel, Preparedness Investigating Subcommittee of Senate Armed Services Committee, had, in behalf of Senator Stennis, requested General Bennett to come to the Hill and provide Senator Stennis with answers to the following questions:

- a. Legal or directive basis for DIA's existence.
- b. DIA's mission.
- c. Relationship with service intelligence activities and regulatory basis for these relationships.
- d. Role of DIA and the services in the USIB.
- e. Relationships with CIA and the statutory or regulatory basis for these relationships.

Mr. Kendall said similar questions were to be levied on CIA.

2. Colonel Freed said General Bennett would appreciate our advice on how to respond. I cited the relevant sections of the National Security Act of 1947, explaining that the Act provided the broad framework for relationships within the community but the specifics were spelled out in NSCIDs which were classified, had never been made available to Congress, and indeed could not properly be made available by any members of the intelligence community since they were issued by, and the property of, the National Security Council. I said my own

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advice would be to explain to Senator Stennis that the interrelationships within the intelligence community were governed primarily by Section 102(d) of the National Security Act of 1947, which directed the Agency, under the direction of the National Security Council, to carry out certain community functions. I said, as far as we were concerned, it would seem unwise to identify the existence of NSCIDs as such, but one could safely say that, under the Act, there were of course implementing documents which were not the property of any of the intelligence agencies and could be obtained only from the National Security Council. Colonel Freed said he would so advise General Bennett.

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JOHN M. MAURY  
Legislative Counsel

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